

Application No. 10/805,374

REMARKS

In the Office Action of June 24, 2004, the Examiner noted that claims 1-11 are pending in the application, and that claims 1-11 are rejected. By this Amendment, claims 1, 10 and 11 have been amended, and new claims 12-27 have been added. Thus, claims 1-27 are pending in this application.

The Examiner's rejections are respectfully traversed below.

Objection to Specification

The specification is objected due to informalities. Applicant has corrected the noted informality by the Examiner, and amended the specification accordingly.

Accordingly, Applicant respectfully submits that the specification is in proper order. Withdrawal of this objection is respectfully requested.

Rejection Under 35 USC § 112

Claims 5, 7, 9, 12, 17 and 19-52 are rejected as being indefinite. Applicant respectfully traverses this rejection. Although Applicant believes that the claims are in fact definite, Applicant has corrected the noted informality by the Examiner, and clarified the intent of the meaning of the word "about" to be "in a region."

Application No. 10/805,374

Accordingly, Applicant respectfully submits that the claims satisfy the requirements under 35 USC § 112. Withdrawal of this rejection is respectfully requested.

Information Disclosure Statement

Applicant is resubmitting an Information Disclosure Statement correctly listing U.S. Patent 5,067,672. Applicant regrets any inconvenience that this may have caused the Examiner.

For all of the reasons discussed above, withdrawal of the current rejections is respectfully requested.

CONCLUSION

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in

Application No. 10/805,374

the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Application No. 10/805,374

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.